

**REMARKS**

In light of the amendments to the claims noted above and remarks to follow, reconsideration and allowance of the above-referenced application is respectfully requested.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Claims 38-47, 49, 51-57, 59 and 61-66 and amended claims 35-37, 48, 50, 58, 60, 67 and 68 are in this application.

At paragraph 3 of the outstanding Office Action of November 21, 2003, the Examiner rejected claims 35-66 under 35 U.S.C §101 because the Examiner indicated that the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process. Applicant has amended independent claims 35, 48 and 58 to clearly identify the process. This amendment to the independent claims is believed to place all the claims in a proper definition of a process and to clearly identify the method or process applicant is intended to encompass. Applicant therefore respectfully requests that the rejection under 35 U.S.C. §101 be withdrawn.

At paragraph 5 of the outstanding Office Action of November 21, 2003, the Examiner rejected claims 35-68 under 35 U.S.C §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner indicated that claims 35-68 provide for the use of a

first, second and third communication system but the claims do not set forth any steps involved in the method/process and it is thus unclear what method/process the applicant is intended to encompass. Independent claims 35, 48, 58 and 67 as amended herein are believed to overcome the 112, second paragraph rejection. Applicant therefore requests that the rejection under 35 U.S.C §112, second paragraph be withdrawn.

At paragraph 10 of the outstanding Office Action of November 21, 2003, the Examiner rejected claims 35-68 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-34 of U.S. Patent No. 6,349,324. Independent claims 35, 48, 58 and 67 have been amended herein. Applicant will provide a Terminal Disclaimer, if necessary, upon an indication of allowable subject matter. The issue of whether there is indeed double patenting is contingent upon whether the claims herewith are indeed considered, entered and allowed; and, if so, whether the Examiner believes there is overlap with claims issued in the cited patent. If, upon agreement as to allowable subject matter, it is believed that there is still a double patenting issue, a Terminal Disclaimer will be considered being filed at that time. Before allowable subject matter is defined, applicant may further amend the claims. Thus, applicant submits that a Terminal Disclaimer would be premature at this time.

Applicant therefore respectfully requests the obviousness-type double patenting rejection be withdrawn.

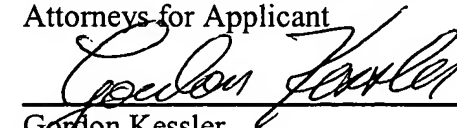
It is to be appreciated that the foregoing comments concerning the disclosures in the cited prior art represent the present opinions of the applicant's undersigned attorney and, in the event, that the Examiner disagrees with any such opinions, it is requested that the Examiner indicate where in the reference or references, there is the bases for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith  
to Deposit Account No. 50-0320.

Respectfully submitted,

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